

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THELMA LIVERPOOL,

Plaintiff,

Case No:

-against-

JURY TRIAL DEMANDED

TARGET CORPORATION A/K/A TARGET STORES
D/B/A TARGET T-1849,

Defendant.

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NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, TARGET CORPORATION (hereinafter “TARGET”), by the undersigned counsel, hereby removes to this Court the above captioned action, which was pending against it in the Supreme Court of the State of New York, County of KINGS. Removal is based on the following grounds:

1. On or about February 22, 2022, Plaintiff, THELMA LIVERPOOL, commenced a civil action against TARGET in the Supreme Court of the State of New York, County of KINGS, docketed as Index No. 505337/2022 (hereinafter the “Lawsuit”).

2. On or about February 24, 2022, TARGET was served with a copy of the Summons and Verified Complaint in this Lawsuit via State of New York, Department of State, Division of Corporations. A true and accurate copy of the Summons, Verified Complaint and Affidavit of Service upon the Secretary of State is attached as **Exhibit A**.

3. This Notice of Removal is being filed by TARGET pursuant to 28 U.S.C. § 1446(2) more than thirty days after service of a copy of the Summons and Verified Complaint because the

pleadings do not specify the amount in controversy and a good faith effort has been made to verify the alleged injuries.

4. In this Lawsuit, Plaintiff asserts causes of action against TARGET based upon negligence.

5. The Lawsuit alleges that solely as a result of TARGET's negligence, "within the premises of Defendant, Target Corporation, located at 139 Flatbush Avenue, Brooklyn, New York, 11217, the Plaintiff was caused to slip and trip and fall and sustain injuries." (Verified Complaint at ¶ 16).

6. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332 due to complete diversity among the parties' citizenship and because the amount in controversy allegedly exceeds \$75,000 exclusive of interest and costs.

Diversity Jurisdiction Exists

7. Plaintiff resides in the County of KINGS, and therefore is a citizen of the State of New York. (*See* Summons).

8. Defendant TARGET is a Minnesota business corporation and has its principal place of business in Minneapolis, Minnesota. Target is not a citizen of the State of New York, nor do they have principal places of business in New York. No change in the place of incorporation or principal place of business of TARGET has occurred since the commencement of this Lawsuit.

Amount In Controversy Exceeds \$75,000

9. In the Complaint, Plaintiff seeks unspecified damages for personal injuries suffered at a TARGET store when she was injured "within the premises of Defendant, Target Corporation, located at 139 Flatbush Avenue, Brooklyn, New York, 11217.

10. On March 8, 2022, Plaintiff's counsel was requested to stipulate that the recovery for damages would be capped at \$75,000 and that TARGET would forego their request for removal. Plaintiff's counsel advised via telephone that Plaintiff would not so stipulate and demanded an amount in excess thereof. The amount in controversy therefore exceeds \$75,000. *See Felipe v. Target Corp.* (2008, SD NY) 572 F Supp 2d 455.

11. This Lawsuit is, therefore, a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446. Furthermore, removal to this judicial district and division is proper pursuant to 28 U.S.C. § 1441(a) as this is the district and division embracing KINGS County, New York, where the Lawsuit is pending.

12. This Notice is accompanied by copies of all process, pleadings and orders served upon defendant in this action.

13. Promptly after this filing, this Notice of Removal will be served on Plaintiff, and TARGET will file a copy of this Notice of Removal with the Clerk of Court for the Supreme Court for the State of New York, County of KINGS.

14. This Notice is signed in accordance with Federal Rule of Civil Procedure 11.

WHEREFORE, Defendant, TARGET CORPORATION respectfully removes the Lawsuit to this Court.

Dated: New York, New York
April 1, 2022

By: *Alice Spitz*

ALICE SPITZ (AS 5155)

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TARGET CORPORATION